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January 21, 2022

Via Electronic Filing

Honorable Ann Marie Donio, U.S.M.J.
Mitchell H. Cohen Building
& U.S. Courthouse
4th & Cooper Streets
Camden, New Jersey 08101

**Re: *Gary Evangelista, et al. v. The Housing Authority of the City of Camden, et al.*
Case No. 1:20-cv-16824-KMW-AMD**

Dear Judge Donio:

This office represents Defendants, The Housing Authority of the City of Camden, Victor Figueroa, Katheryn Blackshear, and Deborah Person-Polk, in the above matter. In accordance with the Court's Text Order (ECF # 27), Defendants submit this status report.

By way of background, the Court attempted to hold a telephone status conference on October 6, 2021. While defense counsel appeared for the conference, Plaintiffs' counsel failed to appear. Plaintiffs' counsel advised that his mother was ill. The Court rescheduled the conference for November 4, 2021.

On November 2, 2021, Defendants submitted a letter to the Court, stating:

Pursuant to the Scheduling Order (ECF # 15), on July 15, 2021, Defendants served initial written discovery requests and Rule 26 disclosures on Plaintiffs, Gary Evangelista and Kaberia Fussell. On September 10, 2021, Defendants advised Plaintiffs that their discovery responses were overdue and demanded responses within two weeks. On September 17, 2021, Plaintiffs requested an extension of time to respond until October 1, 2021. Defendants consented to Plaintiffs' requested extension.

As of the filing of this letter, Plaintiffs still have not provided responses to Defendants' interrogatories and requests for production of documents. Nor have they provided Rule 26 disclosures. Thus, discovery is at a standstill. Defendants have not

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pressed the issue because they have filed a dispositive motion (ECF # 18), which, if granted, would terminate this case in its entirety. However, Defendants must plan for the possibility that their motion is denied. Defendants cannot take Plaintiffs' depositions without the benefit of basic discovery.

(ECF # 24)

On November 4, 2021, the Court held a status conference with counsel of record. Defense counsel again advised the Court that Plaintiffs have not responded to Defendants' discovery requests or provided Rule 26 disclosures.

After the conference, the Court entered the following Scheduling Order: "Telephone Status Conference set for 1/13/2022 12:00 PM before Magistrate Judge Ann Marie Donio. Plaintiffs shall respond to outstanding discovery requests no later than November 10, 2021. Signed by Magistrate Judge Ann Marie Donio on 11/4/2021." (ECF # 25)

On January 13, 2022, the Court attempted to hold another status conference. After Plaintiffs' counsel failed to appear, the Court entered the following Text Order: "The parties shall provide the Court with a joint status report by 1/21/2022. Counsel for Plaintiffs shall advise the Court, in writing, as to why he failed to appear for the telephonic status conference on 1/13/2022. SO ORDERED by Magistrate Judge Ann Marie Donio on 1/13/2022."

On January 20, 2022, Defendants sent Plaintiffs' counsel their proposed joint status letter. At the time, Plaintiffs still had not responded to Defendants' discovery requests or provided Rule 26 disclosures, despite the Court ordering them to do so by November 10, 2021.

At 4:46 p.m. on January 20, Plaintiffs' counsel sent Plaintiff Gary Evangelista's responses to Defendants' interrogatories. No signed certification was provided. Defendants have not had time yet to determine whether Evangelista's responses are deficient.

At 5:31 p.m., Plaintiffs' counsel sent Plaintiffs' portion of the joint status letter to Defendants, which is attached hereto as *Exhibit A*. Counsel also provided what appears to be Evangelista's 32-page document production.

Plaintiffs still have not provided: (1) Rule 26 disclosures; (2) Plaintiff Gary Evangelista's responses to Defendants' document requests; (3) Plaintiff Kaberia Fussell's responses to Defendants' interrogatories; (4) Plaintiff Fussell's responses to Defendants' document requests; and (5) Plaintiff Fussell's document production. To put things in perspective, Defendants served their discovery requests on July 15, 2021, six months ago.

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We thank the Court for its time and attention to this matter.

Respectfully submitted,
BROWN & CONNERY, LLP

s/ Louis R. Lessig
Louis R. Lessig

cc: Joseph P. Guzzardo, Esq. (*via CM/ECF*)
Matthew Moroney, Esq. (*via CM/ECF*)